

Article - Family Law

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§5-410.1.

(a) If the Department makes the determinations under subsection (b) of this section, an adoptive parent involved in an independent or intercountry adoption of a child is entitled to reimbursement by the State for certain nonrecurring adoption expenses associated with the adoption.

(b) An adoptive parent is eligible for reimbursement of nonrecurring adoption expenses, if the Department determines that:

(1) the child should not be returned to its biological parents;

(2) the child cannot be placed with adoptive parents without providing assistance because of certain factors or conditions regarding the child, including ethnic background, age, the presence and number of siblings, or physical, mental, or emotional handicaps; and

(3) except where it would be against the best interests of the child, previous adoption attempts have been made without assistance and were unsuccessful.

(c) Application for nonrecurring adoption expenses shall be filed with the Department:

(1) prior to the order; and

(2) on a form provided by the Department.

(d) (1) Upon approval of the application, there shall be a written agreement between the Department and the prospective adoptive parents regarding the reimbursement of nonrecurring adoption expenses.

(2) Except as provided in paragraph (3) of this subsection, the agreement shall be signed by the adoptive parents and an agent of the Department prior to the adoption order.

(3) The agreement is not required to be signed by the adoptive parents and an agent of the Department prior to the adoption order if the order:

(i) was entered between January 1, 1987 and July 1, 1990; or

(ii) was entered before January 1, 1987, but nonrecurring adoption expenses were paid after January 1, 1987.

(4) Adoptive parents filing for reimbursement of nonrecurring adoption expenses in cases described under paragraph (3) of this subsection shall:

(i) enter into a written agreement with the Department; and

(ii) file all claims no later than December 14, 1990.

(e) Reimbursement for nonrecurring adoption expenses is limited to a maximum of \$2,000 for reasonable and necessary actual costs that are not reimbursable from another source, including:

(1) adoption fees;

(2) court costs and reasonable attorney's fees;

(3) health examinations;

(4) transportation costs; and

(5) food and lodging costs incurred during preplacement visits.

(f) Except in cases described under subsection (d)(3) of this section, adoptive parents shall file all claims for nonrecurring adoption expenses within 2 years after the order.

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